

BY HAND

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Gelfand et al.

Serial No.: 07/873,897

Art Unit: 1651

Filed: April 24, 1992

Examiner: D. Naff

For: PURIFIED THERMOSTABLE  
ENZYME

RECEIVED  
DEC 22 1999  
OFFICE OF PETITIONS  
DEPUTY A/C PATENTS

**SUPPLEMENTAL COMMUNICATION  
TO PETITION UNDER 37 C.F.R. § 1.183 DATED DECEMBER 7, 1999**

Box DAC  
Assistant Commissioner for Patents  
Crystal Park One, Suite 520  
Washington, D.C. 20231

Sir:

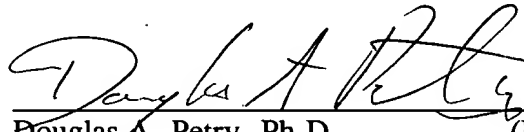
On December 7, 1999, Applicants filed a Petition under 37 C.F.R. § 1.183 ("Petition") requesting suspension or waiver of 37 C.F.R. § 1.97 so that the Examiner would enter and consider the Second Supplemental Information Disclosure Statement filed October 7, 1999. In the Petition, Applicants indicated that United States Patent No. 4,889,818 (the "'818 patent"), which issued from an application related to the captioned application, was in litigation and that the parties to that litigation were awaiting a decision of the Court after a trial on inequitable conduct which took place in February, 1999. Applicants wish to bring to the Patent Office's attention that the Court in the Northern District of California handed down a decision in that February 1999 inequitable conduct trial on December 7, 1999 ("December 1999 Decision"). The District Court held all claims of the '818 patent unenforceable for inequitable conduct. Although the December

1999 Decision was released on the same day as the Petition Under 37 C.F.R. § 1.183 was filed, Applicants and attorneys for Applicants were not aware of the December 1999 Decision when the Petition was filed with the Patent and Trademark Office.

Applicants have filed on December 20, 1999, a Third Supplemental Information Disclosure Statement, along with the requisite statement, petition and fee under 37 C.F.R. § 1.97(d), to make the December 1999 Decision of record in the file of the captioned application.

Respectfully submitted,

Date: December 21, 1999

 35,321  
Douglas A. Petry, Ph.D. (Reg. No.)  
1145 Atlantic Avenue  
Alameda, CA 94501  
Telephone (510) 814-2974  
Telefax (510) 814-2973